REMARKS

The Final Office Action dated December 9, 2008 has been received and carefully noted. Claims 1-64 are currently pending in the subject application and claims 1-27 are presently under consideration. Claims 1, 15 and 27 have been amended.

Favorable reconsideration of the pending claims is respectfully requested in view of the following comments.

I. Rejection of Claims 1-27 Under 35 U.S.C. § 103

Claims 1-6, 8-18 and 20-27 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Publication No. 2003/0113027 filed by Chan *et al.* (hereinafter "Chan ") in view of U.S. Patent Publication No. 2001/0004739 filed by Sekiguchi *et al.* (hereinafter "Sekiguchi"). It is respectfully requested that these rejections be withdrawn for at least the following reasons. Chan in view of Sekiguchi fails to teach or suggest each element of the claims.

In particular, independent claims 1, 15, and 27, as amended, recite: "deriving one or more retrieval attributes <u>solely</u> from the header information" and "performing image analysis between the first image and a second image <u>solely</u> based on the one or more retrieval attributes <u>from the header information, wherein the one or more retrieval attributes are non-image data that describe visual attributes of the first image</u>" (emphasis added). Support for the amendments may be found, for example, on paragraphs [0042]-[0044] of the Specification. The Examiner conceded on page 3 of the Final Office Action that Chan fails to teach or suggest the elements related to

"performing image analysis between the first image and a second image," as recited in

claim 1. The Examiner has alleged that Sekiguchi discloses the above cited elements in

paragraphs [0079] and [0145] of Sekiguchi. See Final Office Action, pages 3 and 5. In

the Response to Arguments (see page 3, second paragraph), the Examiner has stated,

"Sekiguchi teache s that attributes are extracted from an image and then attached to the

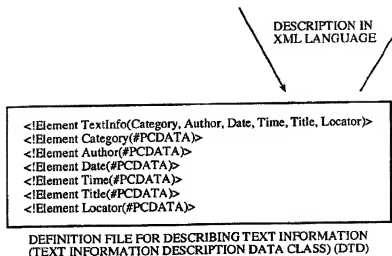image, and the extracted attributes of the image are stored with the attribute list."

However, the alleged extracted attributes of Sekiguchi are not equivalent to the

elements of "the one or more retrieval attributes are non-image data that describe

visual attributes of the first image," as recited in amended cl aim 1. First, the attached

text information is extracted from image data (i.e., the "video data") as illustrated by

the following portion of Fig. 4 of Sekiguchi:

> From:Yoshimi
> Date:Wed, 18 Aug 1999 10:16:55+0900
> Subject:Meeting

TEXT INFORMATION EXTRACTED FROM
VIDEO DATA   \

Applicants note that although Sekiguchi discloses that text information is extracted

from the image information, Sekiguchi is wholly silent with respect to whether the

extracted text information is derived "solely from the header information," (emphasi s

added) as recited in amended claim 1. Next, the extracted text information is converted

into an XML format according to a Document Type Definition (" DTD"). See Sekiguchi,

paragraphs [0089] and [0090]. For example, the following portion of Fig. 4 illustrates the converted text information in XML.

DESCRIPTION IN
XML LANGUAGE

```
<!Element TextInfo(Category, Author, Date, Time, Title, Locator)>
<!Element Category(#PCDATA)>
<!Element Author(#PCDATA)>
<!Element Date(#PCDATA)>
<!Element Time(#PCDATA)>
<!Element Title(#PCDATA)>
<!Element Locator(#PCDATA)>
```

DEFINITION FILE FOR DESCRIBING TEXT INFORMATION
(TEXT INFORMATION DESCRIPTION DATA CLASS) (DTD)

In light of the above disclosure, the extracted text information that is converted into

XML *should not* be considered equivalent to the elements of "non-image data that

describe visual attributes of the first image," as recited in amended claim 1. In

particular, paragraph [0086] of Sekiguchi discloses the following with respect to the

extracted text information:

> [0086] Initially, text information, which is attached to and is input with image
> information and indicates image attributes, is extracted (step ST1). **For example,
> in cases where image data denotes moving image data of a video mail, pieces
> of information of a sender, a sending date and a title of the video mail, which
> are sent with the moving image data, are used as text information indicating**
> image attributes. These pieces of information indicate a producer and a
> producing date of the moving image data of the video mail, so that these pieces
> of information denote text information indicating attributes of the moving image

data. **Also, in another example, in cases where image data denotes a video program of a television broadcasting transmitted from a broadcasting station, pieces of program information (the cast, a producer, a title and a broadcasting date) transmitted with the video program are considered as text information indicating image attributes.**

(emphasis added). Therefore, based on the above disclosure, the extracted text information of Sekiguchi is, instead, pertinent to *non-visual aspects* of the image data (e.g., meta data related to author, date, time, title, and locator in Fig. 4). Consequently, it should be understood that the extracted text information of Sekiguchi is not equivalent to the elements of "the one or more retrieval attributes are non-image data that describe visual attributes of the first image," as recited in amended claim 1.

Further, as noted by the Examiner in the Response to Arguments, Sekiguchi in paragraph [0079] discloses "a user interface unit for selecting an image, which is desired to be retrieved, according to a category or a **key image of image data to be retrieved**" (emphasis added). See Final Office Action, page 2, third paragraph. In the Final Office Action, the Examiner has characterized the key image of Sekiguchi as being equivalent to "the first image" and the retrieved image data as "a second image" as recited in claim 1. The Examiner then concluded that Sekiguchi teaches the elements related to "performing image analysis between the first image and a second image," based on Sekiguchi's key image and the retrieved image data. However, according to the Examiner's characterization of Sekiguchi's key image, Sekiguchi would fail to meet the elements of "deriving one or more retrieval attributes solely from the header information" and "performing image analysis between the first image and a second

image <u>solely</u> based on the one or more retrieval attributes <u>from the header information</u>" (emphasis added) as recited in amended claim 1. This is because, as discussed above, the extracted text information is *not derived from the key image* that the Examiner has equated with the "firs t image" (i.e., not "acc essing header information from . . . a first image") but, in contras t, extracted from the image data (e.g., the video data attached with text information). See e.g., Sekiguchi, paragraph [0086]; Fig. 4. In other words, the key image is *separate data from the image data* and no attributes are extracted *from the key image.*

Accordingly, for at least the reasons set forth above, the Examiner has failed to establish that Chan in view of Sekiguchi teaches or suggests each element of amended claim 1. Moreover, as mentioned previously, claims 15 and 27 have been amended to recite analogous elements to those in amended claim 1 and are patentable over the cited art for at least the same reasons. In addition, each of the dependent claims depend from one of independent claims 1 and 15, thus incorporating the respective limitations thereof. For at least the aforementioned reasons regarding the independent claims, Chan in view of Sekiguchi does not teach or suggest each and every element of the dependent claims. Accordingly, it is respectfully requested that the rejections of claims 1-6, 8-18 and 20-27 be withdrawn.

Claims 7 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Sekiguchi further in view of U.S. Patent Publication No. 2006/0077408 filed by Amirghodsi (hereinafter "Amirghodsi").

Dependent claims 7 and 19 depend on independent claim 1 or 15 and incorporate the limitations thereof. Thus, for at least the reasons discussed in connection with base claims 1 and 15, Chan in view of Sekiguchi fails to teach or suggest each element of claims 7 and 19 as well. Further, Amirghodsi fails to teach or suggest the missing elements in amended claims 1 and 15. The Examiner has not cited and Applicants are unable to discern the portion of Amirghodsi that allegedly teaches or suggests the missing elements in amended claims 1 and 15. Thus, Chan in view of Sekiguchi in further view of Amirghodsi fails to teach or suggest each element of dependent claims 7 and 19 because each of these claims depends on amended claim 1 or 15. Accordingly, reconsideration and withdrawal of the rejection of claims 7 and 19 are respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (408) 720-8300.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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Michael J. Mallie
Registration No. 36,591